

4155-102

IG4-09.2-FWC



The undersigned certifies that this communication is being deposited with the United States Postal Service as prepaid first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 28, 2004.


Kristine Butler-Holston

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Richard J. Gregory, et al.

Serial No.: 08/087,132

Filed: July 2, 1993

For: NEW DIAGNOSTIC AND TREATMENT METHODS INVOLVING THE
CYSTIC FIBROSIS TRANSMEMBRANE REGULATOR

=====

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

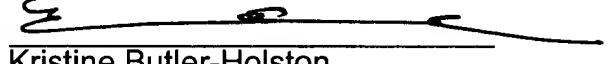
SIR:

SUBMISSION OF A COPY OF DECLARATION OF SENG H. CHENG, ALAN SMITH, SUCHARITA PAUL, KATHLEEN M. HEHIR, AND JOHN MARSHALL IN SUPPORT OF REQUEST FOR CORRECTION OF INVENTORSHIP

As noted in the Amendment dated July 28, 2004, during the course of Interference No. 103,933, a motion under 37 CFR §1.634 to correct inventorship and supporting declarations were filed by Gregory. The Board dismissed the motion as moot and indicated the correction should be addressed in subsequent *ex parte* proceedings. A copy of the Declaration of Seng H. Cheng, Alan Smith, Sucharita Paul, Kathleen Hehir, and John Marshall, signed by Seng H. Cheng, Alan Smith, Kathleen M. Hehir, and John

Marshall on May 14, 1998 and a copy of the Declaration of Seng H. Cheng, Alan Smith, Sucharita Paul, Kathleen Hehir, and John Marshall, signed by Sucharita Paul on May 22, 1998, are submitted herewith and correction is respectfully requested.

Respectfully submitted,
Richard J. Gregory
Mathews, Collins, Shepherd & McKay P.A.

By: 
Kristine Butler-Holston
Reg. 42,376

Mathews, Collins, Shepherd & McKay, P.A.
100 Thanet Circle, Suite 306
Princeton, NJ 08540-3662
Telephone: (609) 924-8555
Facsimile: (609) 924-3036

July 28, 2004



Sample Form (03-04)

AUTHORIZATION TO ACT IN A REPRESENTATIVE CAPACITY

In re Application of:

Gregory et al.

Application No.

08/087,132

Filed:

July 2, 1993

Title:

NEW DIAGNOSTIC AND TREATMENT METHODS INVOLVING THE CYSTIC
FIBROSIS TRANSMEMBRANE REGULATOR

Attorney Docket No.

4155-102 US

Art Unit:

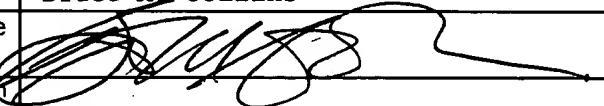
1814

The practitioner named below is authorized to conduct interviews and has the authority to bind the principal concerned. Furthermore, the practitioner is authorized to file correspondence in the above-identified application pursuant to 37 CFR 1.34:

Name	Registration Number
Kristine Butler-Holston	42,376

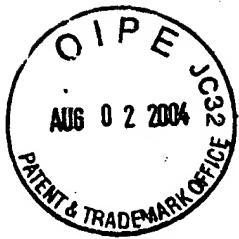
This is not a Power of Attorney to the above-named practitioner. Accordingly, the practitioner named above does not have authority to sign a request to change the correspondence address, a request for an express abandonment, a disclaimer, a power of attorney, or other document requiring the signature of the applicant, assignee of the entire interest or an attorney of record. If appropriate, a separate Power of Attorney to the above-named practitioner should be executed and filed in the United States Patent and Trademark Office.

SIGNATURE of Practitioner of Record

Name	Bruce M. Collins		
Signature		Date	6/29/04
Registration Number	20,066	Telephone	609-924-8555

This form offers a sample or suggested format for an authorization of a practitioner who is not of record. See MPEP § 713.05 for more information. This sample form is not an OMB officially approved form.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



4155-102US

#57/CC
IG4-9.2FWC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
GREGORY et al.

Serial No. 08/087,132

Filed: July 2, 1993

For: **NEW DIAGNOSTIC AND
TREATMENT METHODS
INVOLVING THE CYSTIC
FIBROSIS TRANSMEMBRANE
REGULATOR**

Group Art Unit: 1814

Examiner: Dr. K.C. Carlson

BOARD OF PATENT
APPEALS &
INTERFERENCES
JUN 11 1998

***DECLARATION OF SENG H. CHENG, ALAN SMITH,
SUCHARITA PAUL, KATHLEEN M. HEHIR, and JOHN MARSHALL***

We, Seng H. Cheng, Alan Smith, Sucharita Paul, Kathleen M. Hehir, and John Marshall, declare that:

1. All statements made herein of our own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.
2. This application is a continuation of Serial No. 07/613,592 which is a continuation-in-part of Serial Nos. 07/448,307 and 07/589,295.

3. We understand the subject matter presently claimed in claim 226 of this application is as follows:

-- 226. A recombinant vector comprising a DNA regulatory element operably linked to a DNA molecule that encodes a wild-type, human cystic fibrosis transmembrane conductance regulator protein, wherein the DNA molecule is capable of stable propagation in *E. coli*. --

4. We further understand that the subject matter presently claimed in claim 227 of this application is as follows:

-- 227. A recombinant vector comprising a DNA regulatory element operably linked to a DNA molecule encoding the cystic fibrosis transmembrane conductance regulator protein of Table 1, wherein the DNA molecule is capable of stable propagation in *E. coli* as a result of:

(a) said DNA regulatory element permitting maintenance of the DNA molecule in *E. coli* at a low copy number, or

(b) said nucleotide sequence of the DNA molecule being modified to disrupt its expression in *E. coli* while allowing its expression in mammalian cells. --

5. We understand that claims 226 and 227 are thus limited to recombinant vectors.

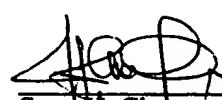
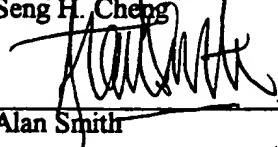
6. We are informed and believe that no other subject matter currently is claimed in this application.

7. As to Sucharita Paul, I, together with Richard J. Gregory and Kathleen M. Hehir, am listed as co-inventor of Serial No. 07/448,307 and, together with Richard J. Gregory, Seng H. Cheng, Alan Smith, Kathleen M. Hehir, and John Marshall, as co-inventor of Serial No. 07/613,592. In 1990, I was a technician at Genzyme Corporation assisting Richard J. Gregory. While I believe I may have contributed to the subject matter of other claims of Serial No. 07/448,307 and Serial No. 07/613,592, I do not believe I am an inventor of the subject matter of claim 226 or the subject matter of claim 227.

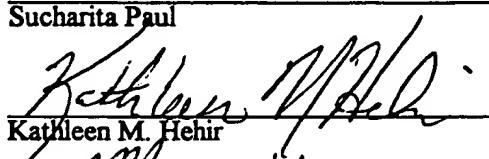
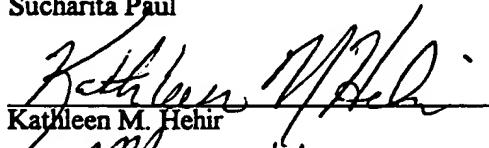
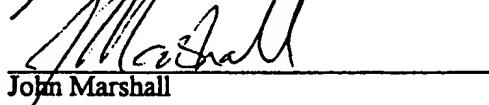
8. As to Kathleen M. Hehir, I, together with Richard J. Gregory and Sucharita Paul, am listed as co-inventor of Serial No. 07/448,307 and, together with Richard J. Gregory, Seng H. Cheng, Alan Smith, Sucharita Paul, and John Marshall, as co-inventor of Serial No. 07/613,592. In 1990, I was involved in DNA sequencing at Genzyme Corporation. While I believe I may have contributed to the subject matter of other claims of Serial No. 07/448,307 and Serial No. 07/613,592, I do not believe I am an inventor of the subject matter of claim 226 or the subject matter of claim 227.
9. As to Seng H. Cheng, I, together with Richard J. Gregory and John Marshall, am listed as co-inventor of Serial No. 07/589,295 and, together with Richard J. Gregory, Alan Smith, Sucharita Paul, Kathleen M. Hehir, and John Marshall, as co-inventor of Serial No. 07/613,592. In 1990, I was involved in antibody work at Genzyme Corporation. While I believe I may have contributed to the subject matter of other claims of Serial No. 07/589,295 and Serial No. 07/613,592, I do not believe I am an inventor of the subject matter of claim 226 or the subject matter of claim 227.
10. As to John Marshall, I, together with Richard J. Gregory and Seng H. Cheng, am listed as co-inventor of Serial No. 07/589,295 and, together with Richard J. Gregory, Seng H. Cheng, Alan Smith, Sucharita Paul, and Kathleen M. Hehir, as co-inventor of Serial No. 07/613,592. In 1990, I was involved in antibody work at Genzyme Corporation. While I believe I may have contributed to the subject matter of other claims of Serial No. 07/589,295 and Serial No. 07/613,592, I do not believe I am an inventor of the subject matter of claim 226 or the subject matter of claim 227.
11. As to Alan Smith, I, together with Richard J. Gregory, Seng H. Cheng, Alan Smith, Sucharita Paul, Kathleen M. Hehir, and John Marshall, am listed as co-inventor of Serial No. 07/613,592. I was Head of Research at Genzyme Corporation in 1990 and the immediate supervisor of Richard J. Gregory. While I believe I may have

contributed to the subject matter of other claims of Serial No. 07/613,592, I do not believe I am an inventor of the subject matter of claim 226 or the subject matter of claim 227.

Date: 5/14/98


Seng H. Cheng

Alan Smith

Date: _____


Sucharita Paul

Kathleen M. Hehir

John Marshall

Date: 5/14/98

Date: 5/14/98



4155-102US

IG4-9.2FWC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
GREGORY et al.

Serial No. 08/087,132

Filed: July 2, 1993

For: **NEW DIAGNOSTIC AND
TREATMENT METHODS
INVOLVING THE CYSTIC
FIBROSIS TRANSMEMBRANE
REGULATOR**

Group Art Unit: 1814

Examiner: Dr. K.C. Carlson

BOARD OF PATENT
APPEALS &
INTERFERENCES
JUN 11 1998

***DECLARATION OF SENG H. CHENG, ALAN SMITH,
SUCHARITA PAUL, KATHLEEN M. HEHIR, and JOHN MARSHALL***

We, Seng H. Cheng, Alan Smith, Sucharita Paul, Kathleen M. Hehir, and John Marshall, declare that:

1. All statements made herein of our own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.
2. This application is a continuation of Serial No. 07/613,592 which is a continuation-in-part of Serial Nos. 07/448,307 and 07/589,295.

3. We understand the subject matter presently claimed in claim 226 of this application is as follows:

— 226. A recombinant vector comprising a DNA regulatory element operably linked to a DNA molecule that encodes a wild-type, human cystic fibrosis transmembrane conductance regulator protein, wherein the DNA molecule is capable of stable propagation in *E. coli*. —

4. We further understand that the subject matter presently claimed in claim 227 of this application is as follows:

— 227. A recombinant vector comprising a DNA regulatory element operably linked to a DNA molecule encoding the cystic fibrosis transmembrane conductance regulator protein of Table 1, wherein the DNA molecule is capable of stable propagation in *E. coli* as a result of:

(a) said DNA regulatory element permitting maintenance of the DNA molecule in *E. coli* at a low copy number, or

(b) said nucleotide sequence of the DNA molecule being modified to disrupt its expression in *E. coli* while allowing its expression in mammalian cells. —

5. We understand that claims 226 and 227 are thus limited to recombinant vectors.

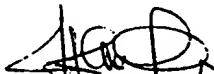
6. We are informed and believe that no other subject matter currently is claimed in this application.

7. As to Sucharita Paul, I, together with Richard J. Gregory and Kathleen M. Hehir, am listed as co-inventor of Serial No. 07/448,307 and, together with Richard J. Gregory, Seng H. Cheng, Alan Smith, Kathleen M. Hehir, and John Marshall, as co-inventor of Serial No. 07/613,592. In 1990, I was a technician at Genzyme Corporation assisting Richard J. Gregory. While I believe I may have contributed to the subject matter of other claims of Serial No. 07/448,307 and Serial No. 07/613,592, I do not believe I am an inventor of the subject matter of claim 226 or the subject matter of claim 227.

8. As to Kathleen M. Hehir, I, together with Richard J. Gregory and Sucharita Paul, am listed as co-inventor of Serial No. 07/448,307 and, together with Richard J. Gregory, Seng H. Cheng, Alan Smith, Sucharita Paul, and John Marshall, as co-inventor of Serial No. 07/613,592. In 1990, I was involved in DNA sequencing at Genzyme Corporation. While I believe I may have contributed to the subject matter of other claims of Serial No. 07/448,307 and Serial No. 07/613,592, I do not believe I am an inventor of the subject matter of claim 226 or the subject matter of claim 227.
9. As to Seng H. Cheng, I, together with Richard J. Gregory and John Marshall, am listed as co-inventor of Serial No. 07/589,295 and, together with Richard J. Gregory, Alan Smith, Sucharita Paul, Kathleen M. Hehir, and John Marshall, as co-inventor of Serial No. 07/613,592. In 1990, I was involved in antibody work at Genzyme Corporation. While I believe I may have contributed to the subject matter of other claims of Serial No. 07/589,295 and Serial No. 07/613,592, I do not believe I am an inventor of the subject matter of claim 226 or the subject matter of claim 227.
10. As to John Marshall, I, together with Richard J. Gregory and Seng H. Cheng, am listed as co-inventor of Serial No. 07/589,295 and, together with Richard J. Gregory, Seng H. Cheng, Alan Smith, Sucharita Paul, and Kathleen M. Hehir, as co-inventor of Serial No. 07/613,592. In 1990, I was involved in antibody work at Genzyme Corporation. While I believe I may have contributed to the subject matter of other claims of Serial No. 07/589,295 and Serial No. 07/613,592, I do not believe I am an inventor of the subject matter of claim 226 or the subject matter of claim 227.
11. As to Alan Smith, I, together with Richard J. Gregory, Seng H. Cheng, Alan Smith, Sucharita Paul, Kathleen M. Hehir, and John Marshall, am listed as co-inventor of Serial No. 07/613,592. I was Head of Research at Genzyme Corporation in 1990 and the immediate supervisor of Richard J. Gregory. While I believe I may have

contributed to the subject matter of other claims of Serial No. 07/613,592, I do not believe I am an inventor of the subject matter of claim 226 or the subject matter of claim 227.

Date: 5/14/98


Seng H. Cheng

Date: 5/14/98


Alan Smith

Date: 5/22/98


Sucharita Paul

Date: 5/14/98


Kathleen M. Henir

Date: 5/14/98


John Marshall

Sucharita
I attached this sheet
so you can see that
the other inventors have
already signed.

Thanks-
Tanya
P.S. Please sign the
next page.

contributed to the subject matter of other claims of Serial No. 07/613,592, I do not believe I am an inventor of the subject matter of claim 226 or the subject matter of claim 227.

Date: 5/22/98

Sucharita Paul
Sucharita Paul